

MORGAN, LEWIS & BOCKIUS LLP
Daniel Johnson, Jr. (State Bar No. 57409)
Brett M. Schuman (State Bar No. 189247)
Amy M. Spicer (State Bar No. 188399)
One Market, Spear Street Tower
San Francisco, CA 94105-1126
Tel: 415.442.1000
Fax: 415.442.1001
djjohnson@morganlewis.com
bschuman@morganlewis.com
aspicer@morganlewis.com

MORGAN, LEWIS & BOCKIUS LLP
Andrew J. Wu (State Bar No. 214442)
Harry F. Doscher (State Bar No. 245969)
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306-2122
Tel: 650.843.4000
Fax: 650.843.4001
awu@morganlewis.com
hdoscher@morganlewis.com

Attorneys for Plaintiffs and Counterdefendants
ALPHA & OMEGA SEMICONDUCTOR, INC.
ALPHA & OMEGA SEMICONDUCTOR, LTD.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ALPHA & OMEGA SEMICONDUCTOR,
INC., a California corporation; and
ALPHA & OMEGA SEMICONDUCTOR,
LTD., a Bermuda corporation,

Plaintiffs,

v.

FAIRCHILD SEMICONDUCTOR
CORP., a Delaware corporation,

Defendant.

AND RELATED COUNTERCLAIMS

Case No. 07-2638 JSW (EDL)
(Consolidated with Case No. 07-2664 JSW)

**DECLARATION OF HARRY F. DOSCHER
IN SUPPORT OF FAIRCHILD
SEMICONDUCTOR CORPORATION'S
ADMINISTRATIVE MOTION TO
REMOVE INCORRECTLY FILED
DOCUMENTS**

Hon. Elizabeth D. Laporte

1 I, Harry F. Doscher, declare as follows:

2 I am an Associate at the law firm of Morgan, Lewis & Bockius LLP, 2 Palo Alto Square,
3 3000 El Camino Real, Suite 700, Palo Alto, California 94306, and a member in good standing of
4 the Bar of the State of California. I am admitted to practice in the United States District Court for
5 the Northern District of California. Morgan, Lewis & Bockius LLP has been retained as trial
6 counsel for Plaintiffs and Counterdefendants Alpha & Omega Semiconductor, Inc. and Alpha &
7 Omega Semiconductor, Ltd. (together, "AOS") in the present action. I submit this declaration
8 regarding Fairchild Semiconductor Corporation's ("Fairchild") Administrative Motion to Remove
9 Incorrectly Filed Documents. I have personal knowledge of each statement set forth herein, and
10 each such statement is true and correct.

11 1. On August 2, 2007, the Court entered the Stipulated Protective Order. [D.I. 27].
12 The Stipulated Protective Order evidences the general agreement of the parties to this action that
13 information concerning product design and structure, manufacturing, and proprietary commercial
14 information, among other things, is highly confidential, and disclosure would create a substantial
15 risk of serious injury:

16 "Highly Confidential – Attorneys' Eyes Only" Information or
17 Items: highly sensitive "Confidential Information or Items," the
18 disclosure of which to another Party or non-party would create a
substantial risk of serious injury to the Producing Party.

19 * * *

20 Without written permission from the Designating Party or a court
21 order secured after appropriate notice to all interested persons, a
22 Party may not file in the public record in this Action any Protected
Material. A Party that seeks to file under seal any Protected
Material must comply with Civil Local Rule 79-5.

23 Stipulated Protective Order [D.I. 27] at 1:22-24 & 11:18-21. Protected Material, as defined in the
24 Stipulated Protective Order, includes material that is designated as "Confidential" or "Highly
25 Confidential – Attorneys' Eyes Only." *Id.* at 2:4-5.

26 2. On August 12, 2008, Fairchild lodged with the clerk "Confidential Exhibit 18,"
27 attached to the Declaration of Leonard J. Augustine, Jr. in Support of Fairchild Semiconductor
28 Corporation's Motion to Compel Production of Documents [D.I. 178].

1 3. Confidential Exhibit 18 to the Declaration of Leonard J. Augustine, Jr. is an
2 excerpt from a larger document that contains highly confidential proprietary business
3 information, including marketing analysis and strategy, technical information, product strategies,
4 manufacturing information, the identification of third party outside vendors, and confidential
5 internal business practices, which would place AOS at a competitive disadvantage if the
6 information were to become publicly known, particularly to the competitors of AOS, and has
7 been designated by AOS as “Highly Confidential – Attorneys’ Eyes Only” pursuant to the
8 Stipulated Protective Order.

9 4. Relatedly, Fairchild’s Motion to Compel Production of Documents [D.I. 176],
10 filed on August 12, 2008, quotes from Confidential Exhibit 18 to the Declaration of Leonard J.
11 Augustine, Jr., which is Protected Material for which Fairchild did not obtain the written
12 permission of AOS before filing the Protected Material in the public record. The existence and
13 title of this document are confidential and AOS could suffer competitive harm if they are
14 disclosed to the public.

15 5. Likewise, Fairchild’s Amended Motion to Compel Production of Documents [D.I.
16 184], filed on August 13, 2008, quotes from Confidential Exhibit 18 to the Declaration of
17 Leonard J. Augustine, Jr., which is Protected Material for which Fairchild did not obtain the
18 written permission of AOS before filing the Protected Material in the public record. The
19 existence and title of this document are confidential and AOS could suffer competitive harm if
20 they are disclosed to the public.

21 6. The parties have met and conferred, and Fairchild has agreed to delete such
22 Protected Material from its Motion to Compel Production of Documents and to file a motion
23 seeking the removal of Fairchild’s previously filed Motion to Compel Production of Documents
24 [D.I. 176] and Amended Motion to Compel Production of Documents [D.I. 184] from the public
25 record.

26 7. For the foregoing reasons, I believe that good and sufficient cause exists to remove
27 Fairchild’s previously filed Motion to Compel Production of Documents [D.I. 176] and Amended
28 Motion to Compel Production of Documents [D.I. 184] from the public record pursuant to Civil

1 L.R. 79-3.

2 I declare under penalty of perjury under the laws of the United States that the foregoing is
3 true and correct to my personal knowledge.

4 Executed this 18th day of August, 2008, at Palo Alto, California.

5
6 /s/ Harry F. Doscher

7 Harry F. Doscher
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28